

PATENT COOPERATION TREATY

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NOTIFICATION OF ELECTION

(PCT Rule 61.2)

From the INTERNATIONAL BUREAU

To:

Assistant Commissioner for Patents
United States Patent and Trademark
Office
Box PCT
Washington, D.C. 20231
ÉTATS-UNIS D'AMÉRIQUE

in its capacity as elected Office

Date of mailing (day/month/year) 25 November 1999 (25.11.99)	
International application No. PCT/US99/09094	Applicant's or agent's file reference CM1778Q/VJ
International filing date (day/month/year) 27 April 1999 (27.04.99)	Priority date (day/month/year) 28 April 1998 (28.04.98)
Applicant BUSAM, Ludwig et al	

1. The designated Office is hereby notified of its election made:

☒ in the demand filed with the International Preliminary Examining Authority on:

25 October 1999 (25.10.99)

☐ in a notice effecting later election filed with the International Bureau on:

2. The election ☒ was

☐ was not

made before the expiration of 19 months from the priority date or, where Rule 32 applies, within the time limit under Rule 32.2(b).

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No.: (41-22) 740.14.35	Authorized officer R. Forax Telephone No.: (41-22) 338.83.38
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INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

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Applicant's or agent's file reference CM1778Q/VJ	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/US99/09094	International filing date (day/month/year) 27/04/1999	Priority date (day/month/year) 28/04/1998
International Patent Classification (IPC) or national classification and IPC A61F13/15		
Applicant THE PROCTER & GAMBLE COMPANY et al.		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.



2. This REPORT consists of a total of 5 sheets, including this cover sheet.

- ☐ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☒ Certain defects in the international application
- VIII ☒ Certain observations on the international application

Date of submission of the demand 25/10/1999	Date of completion of this report 25.05.2000
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized officer Schram, H Telephone No. +49 89 2399 2068 

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No. PCT/US99/09094

I. Basis of the report

1. This report has been drawn on the basis of (*substitute sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to the report since they do not contain amendments.*):

Description, pages:

1-17 as originally filed

Claims, No.:

1-12 as originally filed

Drawings, sheets:

1/6-6/6 as originally filed

2. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:
- ☐ the drawings, sheets:

3. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)):

4. Additional observations, if necessary:

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. PCT/US99/09094

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims 2,10
	No: Claims 1,3-9,11,12
Inventive step (IS)	Yes: Claims
	No: Claims 1-12
Industrial applicability (IA)	Yes: Claims 1-12
	No: Claims

2. Citations and explanations

see separate sheet

VII. Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

see separate sheet

VIII. Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

see separate sheet

Cont. of Section V

1. The present invention relates to an apertured laminate web suitable for use as a topsheet. Such webs are known from e.g. document EP-A-0 207 904 (D1), WO90/14813 (D2) and EP-A-0 165 807 (D3).

The present application does not satisfy the criterion set forth in Article 33(2) PCT because the subject-matter of claim 1 appears not to be new.

Document D1, which is considered to represent the most relevant state of the art, discloses (cf. p. 4, l. 1 - 13, p. 10, l. 27, to p. 11, l. 9, p. 15, l. 8 - 12, and Figs. 4 - 5) an apertured laminate web comprising a first material 10 and a second material 12, both liquid pervious (carded webs) and having 10 - 50% open area, and apertures with a diameter in the range 0,4 - 1,5 mm. Document also discloses the use an apertured laminate web in a disposable absorbent article. Therefore independent claim 11 also lacks novelty.

Also document D2 (see p. 14, 2nd full para., p. 15, 1st full para., p. 17, 2nd full para.) and D3 (see p. 8, 2nd and 3rd para., p. 9, 1st full para., p. 13, 1st para., Fig. 4) appear to substantially disclose the subject-matter of claims 1 and 11.

2. The additional features of dependent claims 3 - 9 and 12 are also known from document D1. Claims 3, 4: see p. 8, l. 9 and 14; claim 5: see Fig. 5; claim 6, 7: see p. 11, l. 7; claims 8, 9: see p. 11, l. 2; claim 12: see p. 5, l. 19, to p. 6, l. 5.
3. No positive contribution to inventive step within the meaning of Articles 33(3) PCT can be seen in the additional features of dependent claims 2 and 10, since these concern the selection of materials and/or parameters which comes within the scope of the customary practice followed by persons skilled in the art, especially as the advantages thus achieved can readily be foreseen.

Cont. of Section VII

1. The documents D1 - D4 have not been identified in the description nor has the

relevant background art disclosed therein been discussed. The requirements of Rule 5.1(a)(ii) PCT are, thus, not fulfilled.

2. The two-part form of the independent claims should have been based on document D1.

Cont. of Section VIII

1. Contents of documents should normally not be "incorporated by reference" (cf. p. 8, last line) unless it is essential to satisfy the requirements of Article 5, cf. PCT International Preliminary Examination Guidelines, Ch. II-4.17 (PCT Gazette Special Issue dated 29 October 1998).
2. The US application numbers (see e.g. p. 4, l. 15, p. 13, 2nd para., p. 21, 2nd para.) should have been denoted by their publication numbers.
3. The effective size of the apertures of the second material is, according to claim 1, at least 0,2 mm² (see also p. 12, l. 32). However, on p. 4, l. 27 a value of 0,1 is given.

According to claim 1, the apertures of both layers are aligned. In contrast, on p. 13, l. 14 - 15, it is stated that this is only preferred.

It is not clear what "effective open area" means in case only a part of the laminate is apertured, as shown e.g. in Figs. 3 and 4, i.e. whether it pertains to the apertured region of the laminate, or to the whole of the laminate.

4. The statement in the description on page 17, last para. implies that the subject-matter for which protection is sought may be different to that defined by the claims, thereby resulting in lack of clarity of the claims (Article 6 PCT) when used to interpret them (see PCT Guidelines, PCT/GL/3 III, 4.3a). This statement should therefore have been deleted.

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Codes used to identify States party to the PCT on the front pages of pamphlets publishing international applications under the PCT.

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INTERNATIONAL SEARCH REPORT

International Application No

PCT/US 99/09094

A. CLASSIFICATION OF SUBJECT MATTER
IPC 6 A61F13/15 B32B33/00

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC 6 A61F B32B

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	EP 0 207 904 A (FARICERCA SPA) 7 January 1987 (1987-01-07) page 10; claims 1,15-20; figures 1,4 ---	1,3,6-9, 11,12
X	WO 90 14813 A (COROVIN GMBH) 13 December 1990 (1990-12-13) page 11, line 1 - line 14; claims 1,11,12,16 page 16, line 24 - page 17, line 21 ---	1,3,4,8, 9,11,12
X	GB 2 294 901 A (MOELNLYCKE AB) 15 May 1996 (1996-05-15) page 6, line 8 - line 35; claims 1,2; figure 2 page 8, line 13 - line 16 ---	1,2,4,8, 9,11,12
	-/--	

☒ Further documents are listed in the continuation of box C.

☒ Patent family members are listed in annex.

* Special categories of cited documents :

- "A" document defining the general state of the art which is not considered to be of particular relevance
- "E" earlier document but published on or after the international filing date
- "L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- "O" document referring to an oral disclosure, use, exhibition or other means
- "P" document published prior to the international filing date but later than the priority date claimed

- "T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
- "X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
- "Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.
- "&" document member of the same patent family

Date of the actual completion of the international search

9 August 1999

Date of mailing of the international search report

16/08/1999

Name and mailing address of the ISA

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Authorized officer

Mirza, A

INTERNATIONAL SEARCH REPORT

Inte. onal Application No

PCT/US 99/09094

C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	EP 0 165 807 A (PROCTER & GAMBLE) 27 December 1985 (1985-12-27) page 12, line 1 - page 13, line 16; claims 1,2; figures 1,4 ---	1,2,4, 11,12
A	US 5 171 238 A (KAJANDER RICHARD E) 15 December 1992 (1992-12-15) claims 1,11 -----	1,3,11, 12

INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No

PCT/US 99/09094

Patent document cited in search report		Publication date	Patent family member(s)	Publication date
EP 0207904	A	07-01-1987	IT 1182491 B AT 53485 T AU 588607 B AU 5943786 A BR 8603291 A CA 1273188 A GR 861713 A JP 1963246 C JP 6091894 B JP 62038157 A PT 8522 U PT 82911 A US 4780352 A	05-10-1987 15-06-1990 21-09-1989 08-01-1987 24-02-1987 28-08-1990 04-11-1986 25-08-1995 16-11-1994 19-02-1987 29-01-1993 01-08-1986 25-10-1988
WO 9014813	A	13-12-1990	DE 3917791 A	06-12-1990
GB 2294901	A	15-05-1996	SE 508040 C AU 705626 B AU 3885695 A CZ 9701346 A EP 0792132 A FI 955360 A JP 10508768 T NO 954461 A PL 320025 A SE 9403850 A WO 9614814 A SK 57297 A TR 970121 A ZA 9509437 A	17-08-1998 27-05-1999 06-06-1996 13-08-1997 03-09-1997 10-05-1996 02-09-1998 10-05-1996 01-09-1997 10-05-1996 23-05-1996 04-03-1998 21-03-1997 15-05-1996
EP 0165807	A	27-12-1985	AT 45875 T CA 1245005 A GR 851475 A JP 2040201 C JP 7051141 B JP 61082750 A	15-09-1989 22-11-1988 25-11-1985 28-03-1996 05-06-1995 26-04-1986
US 5171238	A	15-12-1992	NONE	

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INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference CM1778Q/VJ	FOR FURTHER ACTION see Notification of Transmittal of International Search Report (Form PCT/ISA/220) as well as, where applicable, item 5 below.	
International application No. PCT/US 99/ 09094	International filing date (day/month/year) 27/04/1999	(Earliest) Priority Date (day/month/year) 28/04/1998
Applicant THE PROCTER & GAMBLE COMPANY et al.		

This International Search Report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This International Search Report consists of a total of 3 sheets.

☒ It is also accompanied by a copy of each prior art document cited in this report.

1. Basis of the report

- a. With regard to the **language**, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ the international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).

- b. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international search was carried out on the basis of the sequence listing :

☐ contained in the international application in written form.

☐ filed together with the international application in computer readable form.

☐ furnished subsequently to this Authority in written form.

☐ furnished subsequently to this Authority in computer readable form.

☐ the statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.

☐ the statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished

2. ☐ **Certain claims were found unsearchable** (See Box I).

3. ☐ **Unity of Invention is lacking** (see Box II).

4. With regard to the **title**,

☒ the text is approved as submitted by the applicant.

☐ the text has been established by this Authority to read as follows:

5. With regard to the **abstract**,

☒ the text is approved as submitted by the applicant.

☐ the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box III. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. The figure of the **drawings** to be published with the abstract is Figure No.

☐ as suggested by the applicant.

☐ because the applicant failed to suggest a figure.

☒ because this figure better characterizes the invention.

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☐ None of the figures.